

65TH CONGRESS,
2D SESSION.

Union Calendar No. 217. H. R. 12098.

[Report No. 571.]

IN THE HOUSE OF REPRESENTATIVES.

MAY 14, 1918.

Mr. KEATING introduced the following bill; which was referred to the Committee on the District of Columbia and ordered to be printed.

MAY 15, 1918.

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

A BILL

To protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That where used in this Act—

4 The term “Board” means the Minimum Wage Board
5 created by section two;

6 The term “Commissioners” means the Commissioners
7 of the District of Columbia;

8 The term “woman” includes only a woman of eighteen
9 years of age or over;

1 The term "minor" means a person of either sex under
2 the age of eighteen years;

3 The term "occupation" includes a business, industry,
4 trade, or branch thereof.

5 SEC. 2. That there is hereby created a Board to be
6 known as the "Minimum Wage Board," to be composed
7 of three members to be appointed by the Commissioners of
8 the District of Columbia. As far as practicable, the mem-
9 bers shall be so chosen that one will represent the interests
10 of the employing class, one the interests of the employed
11 class, and the third will be fair and impartial between em-
12 ployers and employees and work for the best interests of the
13 public as a whole.

14 The Commissioners shall make their first appointments
15 hereunder within thirty days after this Act takes effect, and
16 shall designate one of the three members first appointed to
17 hold office until January first, nineteen hundred and nine-
18 teen; one to hold office until January first, nineteen hundred
19 and twenty; and one to hold office until January first, nine-
20 teen hundred and twenty-one. On or before the first day
21 of January of each year, beginning with the year nineteen
22 hundred and nineteen, the Commissioners shall appoint a
23 member to succeed the member whose term expires on such
24 first day of January, and such new appointee shall hold office
25 for the term of three years from such first day of January.

1 Each member shall hold office until his successor is appointed
2 and has qualified; and any vacancy that may occur in the
3 membership of the Board shall be filled by appointment by
4 the Commissioners for the unexpired portion of the term.

5 A majority of the members shall constitute a quorum to
6 transact business, and the act or decision of such a majority
7 shall be deemed the act or decision of the Board; and no
8 vacancy shall impair the right of the remaining members
9 to exercise all the powers of the Board.

10 SEC. 3. That the first members appointed shall, within
11 twenty days after their appointment, meet and organize the
12 Board by electing one of their number as chairman and by
13 choosing a secretary, who shall not be a member of the
14 Board; and on or before the tenth day of January of each
15 year thereafter the Board shall elect a chairman and choose
16 a secretary for the ensuing year. The chairman and the sec-
17 retary shall each hold office until his successor is elected or
18 chosen; but the Board may at any time remove the secretary.
19 The secretary shall perform such duties as may be prescribed
20 and receive such salary, not in excess of \$2,500 per annum,
21 as may be fixed by the Board. None of the members shall
22 receive any salary as such. The Board shall have power to
23 employ agents and such other assistants as may be necessary
24 for the proper performance of its duties: *Provided*, That
25 until further authorization by Congress, the sum which it

1 may expend, including the salary of the secretary, shall not
2 exceed the sum of \$5,000.

3 SEC. 4. That at any public hearing held by the Board
4 any person interested in the matter being investigated may
5 appear and testify. Any member of the Board shall have
6 power to administer oaths and the Board may require by sub-
7 pœna the attendance and testimony of witnesses, the pro-
8 duction of all books, registers and other evidence relative
9 to any matters under investigation, at any such public
10 hearing or at any session of any conference held as herein-
11 after provided. In case of disobedience to a subpoena the
12 Board may invoke the aid of the Supreme Court of the
13 District of Columbia in requiring the attendance and testi-
14 mony of witnesses and the production of documentary evi-
15 dence. In case of contumacy or refusal to obey a subpoena
16 the court may issue an order requiring appearance before
17 the Board, the production of documentary evidence, and the
18 giving of evidence touching the matter in question, and any
19 failure to obey such order of the court may be punished by
20 such court as a contempt thereof.

21 SEC. 5. That the Board is hereby authorized and
22 empowered to make rules and regulations for the carrying
23 into effect of this Act, including rules and regulations for
24 the selection of members of the conferences hereinafter pro-
25 vided for and the mode of procedure thereof.

1 SEC. 6. That the Board shall, on or before the first
2 day of January of the year nineteen hundred and nineteen,
3 and of each year thereafter, make a report to the Commis-
4 sioners of its work and the proceedings under this Act.

5 SEC. 7. That there is hereby authorized to be appro-
6 priated, out of the revenues of the District of Columbia, for
7 the fiscal year ending June thirtieth, nineteen hundred and
8 nineteen, the sum of \$5,000, or so much thereof as may be
9 necessary, to carry into effect the provisions of this Act.

10 SEC. 8. That the Board shall have full power and au-
11 thority: (1), To investigate and ascertain the wages of
12 women and minors in the different occupations in which they
13 are employed in the District of Columbia; (2), to examine,
14 through any member or authorized representative, any book,
15 pay roll or other record of any employer of women or
16 minors that in any way appertains to or has a bearing upon
17 the question of wages of any such women or minors; and
18 (3), to require from such employer full and true statements
19 of the wages paid to all women and minors in his em-
20 ployment.

21 Every employer shall keep a register of the names of
22 the women and minors employed by him in any occupa-
23 tion in the District of Columbia, of the hours worked by
24 each, and of all payments made to each, whether paid by
25 the time or by the piece; and shall, on request, permit any

1 member or authorized representative of the Board to examine
2 such register.

3 To assist the Board in carrying out this Act the Com-
4 missioners shall at all times give it any information or sta-
5 tistics in their possession under the Act of Congress approved
6 February twenty-fourth, nineteen hundred and fourteen, en-
7 titled "An Act to regulate the hours of employment and
8 safeguard the health of females employed in the District of
9 Columbia." (Public, numbered sixty, Sixty-third Congress.)

10 SEC. 9. That the Board is hereby authorized and em-
11 powered to ascertain and declare, in the manner hereinafter
12 provided, the following things: (a), Standards of minimum
13 wages for women in any occupation within the District of
14 Columbia, and what wages are inadequate to supply the
15 necessary cost of living to any such women workers to
16 maintain them in good health and to protect their morals;
17 and (b), standards of minimum wages for minors in any
18 occupation within the District of Columbia, and what wages
19 are unreasonably low for any such minor workers.

20 SEC. 10. That if, after investigation, the Board is of
21 opinion that any substantial number of women workers in
22 any occupation are receiving wages inadequate to supply
23 them with the necessary cost of living and maintain them in
24 health and protect their morals, it may call and convene a
25 conference for the purpose and with the powers of considering

1 and inquiring into and reporting on the subject investigated
2 by the Board and submitted by it to such conference. The
3 conference shall be composed of not more than three repre-
4 sentatives of the employers in such occupation, of an equal
5 number of representatives of the employees in such occupa-
6 tion, of not more than three disinterested persons representing
7 the public, and of one or more members of the Board. The
8 Board shall name and appoint all the members of the
9 conference and designate the chairman thereof. Two-thirds
10 of the members of the conference shall constitute a quorum,
11 and the decision or recommendation or report of the confer-
12 ence on any subject submitted shall require a vote of not less
13 than a majority of all its members.

14 The Board shall present to the conference all the
15 information and evidence in its possession or control relating
16 to the subject of the inquiry by the conference, and shall
17 cause to be brought before the conference any witnesses
18 whose testimony the Board deems material.

19 SEC. 11. That after completing its consideration of and
20 inquiry into the subject submitted to it by the Board, the
21 conference shall make and transmit to the Board a report
22 containing its findings and recommendations on such subject,
23 including recommendations as to standards of minimum
24 wages for women workers in the occupation under inquiry
25 and as to what wages are inadequate to supply the necessary

1 cost of living to women workers in such occupation and to
2 maintain them in health and to protect their morals.

3 In its recommendations on a question of wages the
4 conference (1) shall, where it appears that any substantial
5 number of women workers in the occupation under inquiry
6 are being paid by piece rates as distinguished from time
7 rate, recommend minimum piece rates as well as minimum
8 time rate and recommend such minimum piece rates as will,
9 in its judgment, be adequate to supply the necessary cost of
10 living to women workers in such occupation of average
11 ordinary ability and to maintain them in health and pro-
12 tect their morals; and (2) shall, when it appears proper
13 or necessary, recommend suitable minimum wages for
14 learners and apprentices in such occupation and the maxi-
15 mum length of time any woman worker may be kept
16 at such wages as a learner or apprentice, which wages
17 shall be less than the regular minimum wages recommended
18 for the regular women workers in such occupation.

19 SEC. 12. That, upon receipt of any report from any
20 conference, the Board shall consider and review the rec-
21 ommendations, and may approve or disapprove any or all
22 of such recommendations, and may resubmit to the same
23 conference, or a new conference, any subject covered by
24 any recommendations so disapproved.

1 If the Board approves any recommendations contained
2 in any report from any conference, it shall publish a notice,
3 once a week, for four successive weeks in a newspaper of
4 general circulation printed in the District of Columbia, that
5 it will, on a date and at a place named in the notice, hold a
6 public hearing at which all persons in favor of or opposed to
7 such recommendations will be heard.

8 After such hearing the Board may, in its discretion,
9 make and render such an order as may be proper or neces-
10 sary to adopt such recommendations and carry them into
11 effect, requiring all employers in the occupation affected
12 thereby to observe and comply with such order. Such order
13 shall become effective sixty days after it is made. After
14 such order becomes effective, and while it is effective, it shall
15 be unlawful for any employer to violate or disregard any of
16 its terms or provisions, or to employ any woman worker in
17 any occupation covered by such order at lower wages than
18 are authorized or permitted therein.

19 The Board shall, as far as is practicable, mail a copy
20 of such order to every employer affected thereby; and every
21 employer affected by any such order shall keep a copy thereof
22 posted in a conspicuous place in each room in his establish-
23 ment in which women workers are employed.

24 SEC. 13. That for any occupation in which only a mini-
25 mum time-rate wage has been established, the Board may

1 issue to a woman physically defective or crippled by age or
2 otherwise impaired, a special license authorizing her em-
3 ployment at such wage less than such minimum time-rate
4 wage as shall be fixed by the Board and stated in the license.

5 SEC. 14. That the Board may at any time inquire into
6 wages of minors employed in any occupation in the District
7 of Columbia, and determine suitable wages for them. When
8 the Board has made such determination it may make such
9 an order as may be proper or necessary to carry such deter-
10 mination into effect. Such order shall become effective
11 sixty days after it is made; and after such order becomes
12 effective and while it is effective it shall be unlawful for any
13 employer in such occupation to employ a minor at less wages
14 than are specified or required in or by such order.

15 SEC. 15. That any conference may make a separate
16 inquiry into and report on any branch of any occupation,
17 and the Board may make a separate order affecting any
18 branch of any occupation.

19 SEC. 16. That the Board shall from time to time inves-
20 tigate and ascertain whether or not employers in the District
21 of Columbia are observing and complying with its orders,
22 and shall report to the corporation counsel of the District
23 of Columbia all violations of this Act.

24 SEC. 17. That all questions of fact arising under the
25 foregoing provisions of this Act shall, except as otherwise

1 herein provided, be determined by the Board, and there shall
2 be no appeal from the decision of the Board on any such
3 question of fact; but there shall be a right of appeal from
4 the Board to the Supreme Court of the District of Columbia
5 from any ruling or holding on a question of law included
6 or embodied in any decision or order of the Board; and,
7 on the same question of law, from such court to the Court of
8 Appeals of the District of Columbia. In all such appeals
9 the corporation counsel shall appear for and represent the
10 Board.

11 SEC. 18. That whoever violates this Act, whether an
12 employer or his agent, or the director, officer, or agent of
13 any corporation, shall be deemed guilty of a misdemeanor;
14 and, upon conviction thereof, shall be punished by a fine of
15 not less than \$25 nor more than \$100, or by imprisonment
16 not less than ten days nor more than three months, or by
17 both such fine and imprisonment.

18 SEC. 19. That any employer and his agent, or the
19 director, officer, or agent of any corporation, who discharges
20 or in any other manner discriminates against any employee
21 because such employee has served or is about to serve on any
22 conference, or has testified or is about to testify, or because
23 such employer believes that said employee may serve on any
24 conference or may testify in any investigation or proceedings
25 under or relative to this Act, shall be deemed guilty of a

1 misdemeanor; and, upon conviction thereof, shall be pun-
2 ished by a fine of not less than \$25 nor more than \$100.

3 SEC. 20. That any act which, if done or omitted to be
4 done by any agent or officer or director acting for such em-
5 ployer, would constitute a violation of this Act, shall also
6 be held to be a violation by the employer and subject such
7 employer to the liability provided for by this Act.

8 SEC. 21. That prosecutions for violations of this Act
9 shall be on information filed in the police court of the
10 District of Columbia by the corporation counsel.

11 SEC. 22. That if any woman worker is paid by her
12 employer less than the minimum wage to which she is
13 entitled under or by virtue of an order of the Board, she may
14 recover in a civil action the full amount of such minimum
15 wage, less any amount actually paid to her by the employer,
16 together with such reasonable attorney's fees as may be
17 allowed by the court; and any agreement for her to work for
18 less than such minimum wage shall be no defense to such
19 action.

20 SEC. 23. That this Act shall be known as the "District
21 of Columbia minimum-wage law." The purposes of the
22 Act are to protect the women and minors of the District
23 from conditions detrimental to their health and morals,
24 resulting from wages which are inadequate to maintain

1 decent standards of living; and the Act in each of its pro-
2 visions and in its entirety shall be interpreted to effectuate
3 these purposes.

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